



Reprinted  
February 6, 2001

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## HOUSE BILL No. 1416

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DIGEST OF HB 1416 (Updated February 5, 2001 3:55 PM - DI 51)

**Citations Affected:** IC 31-16; IC 35-46; noncode.

**Synopsis:** Child nonsupport. Specifies that the enhancement of the crime of nonsupport of a child from a Class D felony to a Class C felony applies when the offender owes child support of less than \$15,000 for any one child, but in the aggregate owes at least \$15,000 in unpaid child support for all children that the offender is obligated to support. Authorizes a contempt of court proceeding to enforce payment of a child support arrearage that is commenced after the earlier of the child's eighteenth birthday or the date the child is emancipated.

**Effective:** Upon passage.

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**Ayres, Sturtz, Becker, Kuzman**

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January 11, 2001, read first time and referred to Committee on Judiciary.  
January 31, 2001, amended, reported — Do Pass.  
February 5, 2001, read second time, amended, ordered engrossed.

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HB 1416—LS 6759/DI 51+



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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1416

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A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 31-16-12-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE IMMEDIATELY UPON PASSAGE]:  
3 Notwithstanding any other law, all orders and awards contained in a  
4 child support decree may be enforced by:

5 (1) contempt, **including the provisions under IC 31-16-12-6;**  
6 (2) assignment of wages or other income; or  
7 (3) any other remedies available for the enforcement of a court  
8 order; except as otherwise provided by IC 31-16-2 through IC 31-16-11  
9 or this chapter.

10 SECTION 2. IC 31-16-12-6 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE IMMEDIATELY UPON PASSAGE]: If the  
12 court finds that a party is delinquent as a result of an intentional  
13 violation of an order for support, the court may find the party in  
14 contempt of court. **If an action or request to enforce payment of a**  
15 **child support arrearage is commenced not later than ten (10) years**  
16 **after:**

17 (1) the eighteenth birthday of the child; or

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1       **(2) the emancipation of the child;**  
2       **whichever occurs first, the court may, upon a request by the person**  
3       **or agency entitled to receive child support arrearages, find a party**  
4       **in contempt of court.** The court may order a party who is found in  
5       contempt of court under this section to perform community service  
6       without compensation in a manner specified by the court.

7       SECTION 3. IC 35-46-1-5 IS AMENDED TO READ AS  
8       FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A person  
9       who knowingly or intentionally fails to provide support to the person's  
10      dependent child commits nonsupport of a child, a Class D felony.  
11      However, the offense is a Class C felony if the **total** amount of unpaid  
12      support that is due and owing **for one (1) or more children** is at least  
13      **ten fifteen** thousand dollars (~~\$10,000~~): **(\$15,000).**

14      (b) It is a defense that the child had abandoned the home of his  
15      family without the consent of his parent or on the order of a court, but  
16      it is not a defense that the child had abandoned the home of his family  
17      if the cause of the child's leaving was the fault of his parent.

18      (c) It is a defense that the accused person, in the legitimate practice  
19      of his religious belief, provided treatment by spiritual means through  
20      prayer, in lieu of medical care, to his dependent child.

21      (d) It is a defense that the accused person was unable to provide  
22      support.

23      SECTION 4. [EFFECTIVE UPON PASSAGE] **IC 35-46-1-5, as**  
24      **amended by this act, applies to all offenders who owe at least**  
25      **fifteen thousand dollars (\$15,000) in unpaid child support after the**  
26      **effective date of this act, regardless of when the liability was**  
27      **accrued.**

28      SECTION 5. **An emergency is declared for this act.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1416, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, strike "ten" and insert "**fifteen**".

Page 1, line 7, strike "(\$10,000)." and insert "**(\$15,000).**".

and when so amended that said bill do pass.

(Reference is to HB 1416 as introduced.)

STURTZ, Chair

Committee Vote: yeas 10, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1416 be amended to read as follows:

Page 2, line 1, delete "ten" and insert "**fifteen**".

Page 2, line 2, delete "(\$10,000) and insert "**(\$15,000)**".

(Reference is to HB 1416 as printed February 1, 2001.)

AYRES

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 HOUSE MOTION

Mr. Speaker: I move that House Bill 1416 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

" SECTION 1. IC 31-16-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE IMMEDIATELY UPON PASSAGE]: Notwithstanding any other law, all orders and awards contained in a child support decree may be enforced by:

- (1) contempt, **including the provisions under IC 31-16-12-6;**
- (2) assignment of wages or other income; or
- (3) any other remedies available for the enforcement of a court order; except as otherwise provided by IC 31-16-2 through IC 31-16-11 or this chapter.

"SECTION 2. IC 31-16-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE IMMEDIATELY UPON PASSAGE]: If the court finds that a party is delinquent as a result of an intentional violation of an order for support, the court may find the party in contempt of court. **If an action or request to enforce payment of a child support arrearage is commenced not later than ten (10) years after:**

- (1) the eighteenth birthday of the child; or
  - (2) the emancipation of the child;
- whichever occurs first, the court may, upon a request by the person or agency entitled to receive child support arrearages, find a party in contempt of court.** The court may order a party who is found in contempt of court under this section to perform community service without compensation in a manner specified by the court."



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Renumber all SECTIONS consecutively.

(Reference is to HB 1416 as printed February 1, 2001.)

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